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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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25 UNITED STATES OF AMERICA,

26 Plaintiff,

27 vs.

28 DEREK CRAIGBEENY,

29 Defendant.

30 Case No.: 2:17-mj-01207-NJK

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1 2. Defendant is incarcerated and does not object to a continuance.
2 3. The parties agree to the continuance.
3 4. The additional time requested herein is not sought for purposes of delay.
4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 6. The additional time requested by this stipulation is allowed, with the defendant's
7 consent, under the Federal Rules of Criminal Procedure 5.1 (d).

8 7. This is the first request to continue the preliminary hearing.

9 DATED this 18th day of January, 2017.

10 DAYLE ELLIESON
11 United States Attorney

RENE L. VALLADARES
Federal Public Defender

12 By: /s/ Frank J. Coumou
13 FRANK JOHAN COUMOU
14 Assistant United States Attorney

By: /s/ Rebecca Levy
REBECCA LEVY
Assistant Federal Public Defender
Attorney for Dereck Craigbeeny

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-00-

UNITED STATES OF AMERICA,

Plaintiff,

VS.

Derek Craig-Beeny

Defendant.

Case No.: 2:17-mj-01207-NJK

ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. The parties have initiated discussions regarding the case pre-indictment and discovery is being provided to the Defendant.

2. The parties agree to the continuance.

3. Defendant is incarcerated and does not object to the continuance through his attorney.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, and good cause is shown by the parties to continue the preliminary hearing.

6. The additional time requested by this stipulation is allowed, with the defendant's consent, under the Federal Rules of Procedure 5.1(d).

7. This is the first request to continue the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to assess the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for January 29, 2018 at the hour of 4:00 p.m. be vacated and continued to March 5, 2018, at 4:00 p.m., in Courtroom 3A.

DATED this 18th day of January , 2018.

THE HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE